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October 8, 2005 DOCKET FILE COPY ORIGINAL

Honorable Kevin Martin, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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Subject: IB DOCKET No. 05-221

Dear Chairman Martin,

I understand that the FCC is in the process of redistributing unassigned portions of the 2 GHZ MSS spectrum. Two principal vendors, TMI/TerreStar Networks, Inc. and ICO Global Communications are proposing a hybrid terrestrial/satellite system that will reach millions of urban and rural Americans and can act as an emergency backup service should the terrestrial network become inoperative due to an emergency.

Providing this "backup" capability during times of emergency, as well as providing North America with commercial cell-phone coverage, via satellite, for those willing to pay for it, are most efficiently provided through commercial vendors engaging in head-to-head competition.

As an entrepreneur, founder of the Defense Commercial Vendors Coalition, and a staunch defender of free market competition, I would urge you to consider pro-rata allocation of the remaining spectrum to the two existing vendors who have proven their dedication to the creation and sale of services in that space: TMI/TerreStar and ICO.

Naturally, a mechanism to permit additional legitimate competitors to enter the market should be conceived. However, TerreStar and ICO have made great investments in this new and risky market in order to establish it as a viable business area. These two pioneers deserve to be rewarded for their investment, risk-taking and entrepreneurship before allowing latecomers to enjoy the benefits of what TerreStar and ICO have created. Indeed, allocating valuable spectrum to licensees who will not develop commercial offerings, and merely "sit" on the valuable license asset and trade on its inherent value will be doing the public and the legitimate vendors a great injustice.

Respectfully,

Warren Katz  
Chief Operating Officer  
MAK Technologies, Inc.  
Cambridge, MA

CC: Commissioner Kathleen Q. Abernathy  
Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Secretary of the Commission

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